

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ROBERT JAMES

(In the space above enter the full name(s) of the plaintiff(s).)

v.

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983

Defendant No. 1 CITY OF NEW YORK

Defendant No. 2 Individual capacity, P.O. GEORGE WOLFRON 77th Precinct

Defendant No. 3 Individual capacity, Det. WALIUR RAHMAN

Defendant No. 4 Individual capacity, Sgt. RAYMOND MARTINEZ

Defendant No. 5 Individual capacity, P.O. JOHN DOE #5

Individual capacity, P.O. JOHN DOE #6

Individual capacity, P.O. JOHN DOE #7

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. No addresses should be included here.)

Jury Trial: Yes x No
(check one)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name ROBERT JAMES
ID # DIN: 06-A-5071
Current Institution UPSTATE CORRECTIONAL FACILITY
Address P.P. Box 2001, 309 BARE HILL ROAD, MALONE, NY 12953

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name CITY OF NEW Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 2 Name Individual capacity, P.O. GEORGE WOLFRON Shield # 24893
Where Currently Employed BROOKLYN, NORTH NARCOTICS TASK FORCE
Address 77th Precinct

Defendant No. 3 Name Individual capacity, Det. WALIUR RAHMAN Shield # 6428
Where Currently Employed _____
Address _____

Defendant No. 4 Name Individual capacity, Sgt. RAYMOND MARTINEZ Shield # 5072
Where Currently Employed _____
Address _____

Defendant No. 5 Name Individual capacity, P.O. JOHN DOE Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 6 Individual capacity, P.O. JOHN DOE
Defendant No. 7 Individual capacity, P.O. JOHN DOE

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur? 77th Precinct
- B. Where in the institution did the events giving rise to your claim(s) occur? These officer's searched and took money from me in the street. While at the Precinct I was Strip searched in a cell.
- C. What date and approximate time did the events giving rise to your claim(s) occur? October 4th 2005 4:10

D. Facts: On October 4, 2005 I was placed under arrest for the following reasons

What happened to you?

1) Menacing in the Second Degree. 2) Criminal Possession of a Weapon in the Fourth Degree. 3) Being in a dispute over a Drug transaction with an unapprehended buyer.

Who did what?

P. O. George Wolfron, who was the arresting officer along with members of his back up team, they took money from me in this arrest in the amount of \$152.00 which I never got back. Again I was also strip searched by these officer's at the precinct.

Was anyone else involved?

Yes, there was another individual who was not arrested on this day because the officer's let him go. I was the only one arrested.

Who else saw what happened?

Many people were outside on this day, however I do not have any names. I did not bother getting the names of any one because I never thought it would come to this.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I suffered mental anguish, the lost of money that was taken from me in this arrest, degradation for being handcuffed and locked up once again as well as being force to strip search due to this unlawful an unwarranted arrest. Discrimination and Harrassment towards another human being is a terrible thing for any one to have to deal with .

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act of 1995, 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes, x No

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). 77th Precinct

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☐ No ☒ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐

If YES, which claim(s)?

D. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose not cover some of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐

If YES, which claim(s)?

E. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☐ No ☒

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☒ No ☐

F. If you did file a grievance, about the events described in this complaint, where did you file the grievance? CIVILIAN COMPLAINT REVIEW BOARD. Inclose see copy of Complaint I filed.

1. Which claim(s) in this complaint did you grieve? Lost of money, False Arrest, Police Harrassment and Falsifying Documents.

2. What was the result, if any? I have not heard from any one as of yet.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. None, as I have stated, I have not heard any thing from the Civilian Complaint Review Board yet. I filed my claim back in Feburary 29, 2008

G. If you did not file a grievance, did you inform any officials of your claim(s)?

Yes x No

1. If YES, whom did you inform and when did you inform them? Prior to filing this complaint, I wrote a letter to Brooklyn Criminal Court dated August 8, 2007. This letter was in regards to the money that was taken from me.

2. If NO, why not?

I. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. Before filing my claim, with the Civilian Complaint Review Board. I sent a request to Foil Freedom of Information dated 7/3/07. I was trying to get a copy of the Voucher for the money that was taken from me.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies. 1) Copy of foil request (2) Copy of letter to Court
3) Letter to Civilian Complaint Review Board

V. Relief:

State what you want the court to do for you. I want this Discrimination and Harrassment to stop. I would like to be compersated for the following. The money that was taken from me by these officer's with interest, the humiliation these officer's put me through because of this unlawful / unwarrant arrest. Again I was subject to a strip search by these officer's at the precinct because of this arrest. At this time I am asking for \$10,000 for the pain and suffering I have endured because of this arrest. I also want an additional \$5,000 for Court fee's, postage, a Lawyer if needed and any other paper work that is necessary. In addition to this I have money that was taken from me in another case also. This money I never got back either Voucher # M932067

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes No x

B. If your answer to A is YES, describe each lawsuit in questions 1 through 7 on the next page. (If

On
these
claims

there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

D. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes _____ No x

E. If your answer to D is YES, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit: _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

Signed this 23 day of May, 2008. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Plaintiff	<u>ROBERT JAMES</u>
Inmate Number	<u>DIN: 06-A-5071</u>
Mailing address	<u>UPSTATE CORRECTIONAL FACILITY</u>
	<u>P.O. BOX 2001</u>
	<u>MALONE, NEW YORK</u>
	<u></u>

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 23 day of May, 2008, I will deliver this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Robert James

rev. 09/04

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT JAMES

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

v.

**REQUEST TO PROCEED
IN FORMA PAUPERIS**

CITY OF NEW YORK

Individual capacity, P.O. GEORGE WOLFORN, 77th Precinct

Individual capacity, Det. WALIUR RAHMAN

Individual capacity, Sgt. RAYMOND MARTINEZ

Individual capacity, P.O. JOHN DOE

Individual capacity, P.O. JOHN DOE

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

Individual capacity, P.O. JOHN DOE

I, ROBERT JAMES, (print or type your name) am the plaintiff/petitioner in the above entitled case and I hereby request to proceed *in forma pauperis* and without being required to prepay fees or costs or give security. I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor, and that I believe I am entitled to redress.

1. If you are presently employed:
- a) give the name and address of your employer
 - b) state the amount of your earnings per month

UPSTATE CORRECTIONAL FACILITY \$20.00 a Month

2. If you are NOT PRESENTLY EMPLOYED:
- a) state the date of start and termination of your last employment
 - b) state your earnings per month

YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED.

3. Have you received, within the past twelve months, any money from any source? If so, name the source and the amount of money you received.

ROCHELLE SANDERS SISTER \$50.00 EMILY GONZALES Friend \$45.00

a) Are you receiving any public benefits? ☒ No. ☐ Yes, \$_____.

b) Do you receive any income from any other source? ☒ No. ☐ Yes, \$_____.

4. Do you have any money, including any money in a checking or savings account? If so, how much?

\$175.00

5. Do you own any apartment, house, or building, stock, bonds, notes, automobiles or other property? If the answer is yes, describe the property and state its approximate value.

☒ No. ☐ Yes, _____

6. List the person(s) that you pay money to support and the amount you pay each month.

7. Do you pay for rent or for a mortgage? If so, how much each month?

8. State any special financial circumstances which the Court should consider.

Filing and Court fees, Misc.

I understand that the Court shall dismiss this case if I give a false answer to any questions in this declaration. In addition, if I give a false answer I will be subject to the penalties for perjury.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23 day of May, 2008.
date month year

Rabert James
signature

United States District Court
Southern District of New York

PRISONER AUTHORIZATION

Mailed to Plaintiff by the Court on this date: _____

RE: ROBERT JAMES - v - CITY OF NEW YORK

NOTICE IS HEREBY GIVEN THAT THIS ACTION WILL BE DISMISSED UNLESS PLAINTIFF COMPLETES AND RETURNS THIS AUTHORIZATION FORM TO THIS COURT WITHIN FORTY-FIVE (45) DAYS FROM THE DATE OF THIS NOTICE.

On April 26, 1996, the Prison Litigation Reform Act ("PLRA" or "Act") was signed into law. This Act amends the *in forma pauperis* statute (28 U.S.C. § 1915) and applies to your case. Under these amendments, you are required to pay the full filing fee when bringing a civil action if you are currently incarcerated or detained in any facility. If you do not have sufficient funds in your prison account at the time your action is filed, the Court must assess and collect payments until the entire filing fee of \$350 has been paid, no matter what the outcome of the action.

SIGN AND DATE THE FOLLOWING AUTHORIZATION:

I, ROBERT JAMES, request and authorize the agency holding me in custody to send to the Clerk of the United States District Court for the Southern District of New York, a certified copy of my prison account statement for the past six months. I further request and authorize the agency holding me in custody to calculate the amounts specified by 28 U.S.C. § 1915(b), to deduct those amounts from my prison trust fund account (or institutional equivalent), and to disburse those amounts to the United States District Court for the Southern District of New York. This authorization shall apply to any agency into whose custody I may be transferred.

I UNDERSTAND THAT BY SIGNING AND RETURNING THIS NOTICE TO THE COURT, THE ENTIRE COURT FILING FEE OF \$350 WILL BE PAID IN INSTALLMENTS BY AUTOMATIC DEDUCTIONS FROM MY PRISON TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED. FOR CASES FILED BEFORE APRIL 10, 2006, THE PRIOR FILING FEE OF \$250 WILL BE DEDUCTED.

Robert James
Signature of Plaintiff

May 23, 08
Date Signed

N.Y.S.I.D. # [REDACTED]

Local Jail/Facility I.D. # 06-A-5071

Federal Bureau of Prisons I.D. # _____

Inmate Name: Robert James

(Print)

Inmate D.I.N. 06A5071

Cell Location: 12C2 46B

UPSTATE CORRECTIONAL FACILITY

P.O. BOX 2001

MALONE, NEW YORK 12953

TO: Property Clerk/Records
(Department)

F.C.I.L. UNIT ROOM 110C

ONE POLICE PLAZA

NEW YORK, N.Y. 10038

RE: "FREEDOM OF INFORMATION ACT" REQUEST

DATE: 7/3/07

Please be advised that this request is a demand for Robert James
of records pertaining to Arrest on 10/4/05
pursuant to both STATE and FEDERAL FREEDOM OF INFORMATION ACTS; as amended
(5 U.S.C., Section 552), the Privacy Act (5 U.S.C., Section 552a) and McKinneys Public
Officers Law § 84-90 for Documents, Records and/or Material described hereafter which are
believed to be within your Agency's Record System. The undersigned requests that you make
available to him/her a copy of the original Documents, Records, and/or Material within 10
business days, answering this demand for Disclosure pursuant to Public Officers Law §87.

The above named individual, having a personal interest in obtaining any and all
Documents, Records, and/or Materials pertaining to Arrest on 10/4/05
request the following:

1.) Any and all records pertaining to Docket#2005KN064206 Arrest#K05676443
Charges 265.10 and 220.39 DD-5, Dailt activty sheet, Money receipts
and vouchers#M900913

2.) Any and all _____

3.) Any and all medical records pertaining to _____

that are open for review as provided by law to be presented to _____

Enclosed, please find the following documents _____

If any or all parts of my request are denied, please list the specific exemption(s) which (are) being claimed to withhold information.

If you determine that some portion(s) of the requested Documents, Records, and/or Material are exempt by Public Officers Law § 87 (2), (b), (f), (g), (i), (ii), (iii) and (iv) and Public Officers Law § 89 (2), I will expect, that you will provide me with the remaining nonexempt portions. If you deny any or all portions of this request I request that you provide the name and address where such an appeal can be sent.

Please be further advised, that the above named prisoner is unable to afford the cost(s) of locating, copying and mailing of information requested herein as required in Public Officers Law § 67-a, and request that any and all Documents, Records, and/or Material sought herein be forwarded without cost of fees when release of the required information would be in the "*Public Interest*" of the parties involved. It is my belief that said Documents, Records, and/or Material I am requesting fit into this category. I therefore request that no fees be charged for locating, copying and mailing the requested documents.

If there are further questions regarding this request, please contact me at the above named facility.

Robert James
Upstate Correctional Facility
P.O. Box 2001
Malone, New York 12953

Docket # 2005KN064206
Arrest # Ko5676443

August 8, 2007

Criminal Court of the City of New York
120 Schermerhorn Street
Brooklyn, New Your 11201

To whom it may concern:

Dear Sir/Madam,

On 10/04/05 I was arrested on the following charges 220.39,265.01 and 120.14 Docket #2005KN064206 and Arrest #K0567443. This case since than has been dismiss. However there was money that was taken from me in the amount of \$152.00 I believe. At this time I am incarcerated doing 15 years for another case that happen in the same month on 10/22/05.

This case the one that has been dismiss. At the time when I was still on the street. I went down to Gold st. This is the place every one is suppose to go to to pick up their property once you are release from the Court's or precinct. I went to this place. They told me I had to go to 120 Schermerhorn Street, get a letter from the District Attorney in order for them to release this money. I never got the chance to do that. Now this arrest took place almost two years ago. I have since than lost my copy of the property Clerk's invoice. If you will, could you plase take a look into this matter for me. I would like to get my money back. The following are some documents regarding this case. Maybe this could help you. Thank you very much.

Respectfully Your's

Robert James

Robert James
06A-5071
Upstate Correctional Facility
P.O. Box 2001
Malone, New York 12953

February 29, 2008

CIVILIAN COMPLAINT
RECIEW BOARD
40 Rector Street, 2nd fl.
New York, NY 10006

Robert James Docket: 2005KN064206 Arrest NUM: K05676443

Dear Sir/madam:

I am presently serving time here at Upstate Correctional Facility on an unrelated charge. On October 4, 2005 at approximately 04:10 PM in front of 952 Bergen st. County of Kings, State of New York I was arrested on the following charges (1) CPL 220.39 CRIMINAL SALE OF A CONTROLL SUBSTANCE 3rd. (2) CPL 265.01 CRIMINAL POSSESSION OF A WEAPON IN THE 4th DRGREE AND (3) CPL 120.14 MENACING IN THE 2ND DEGREE. This arrest took place by the BROOKLYN NORTH NARCOTICS DRUG TASK FORCE 77th PCT.

The charges 120.14 and 265.01 has since then been dismissed on 10/19/2006 speedy trial provision. As for the charge of CRIMINAL SALE OF A CONTROLL SUBSTANCE. According to the paperwork I have CRIMS APPEARANCE HISTORY ROUTINE CHARGES/DISPOSITION. This charge was an unattached count. My CRIMINAL HISTORY RAP SHEET 10/19/06 states that this particular charge is unknown. According to my rap sheet I was never arraigned on this charge, yet I was arrested for this along with the other charges. This in fact was a bogus charge to begin with if I may add.

At this time I am claiming FALSE ARREST, POLICE HARRASSMENT and also FALSIFYING DOCUMENTS. In this case there was money taken from me by these officer's in the amount of I believe it was \$152.00. To this day I was never able to get that money back as of yet. I tried but instead I was given the run around. Once I was released on the charges, I went back to the pct. that had arrested me. They informed me that I had to go down town Brooklyn to Gold st. This is a place once you are released from lock up you can go there and get your property. I went there, they in turn informed me I had to go to Brooklyn Criminal Court and ask the DISTRICT ATTORNEY for a letter to release this money that these officre's took from me. I never got around to doing that.

On October 22, 2005 at approximately 8:55 PM in front of 954 Bergen st. I was arrested again on another drug charge by the very same officer's who arrested me on Octobert 4, 2005 Brooklyn North Narcotice Drug Task Force. I have been convicted and locked up every since. As a result of my getting arrested for the second time. I no longer have my copy of the voucher for the money that was taken from me by these officer's in the first arrest.

I have wrote to the foil unit on a number of occasions trying to obtain a copy of this voucher. To this day I still have not had any luck in getting this voucher. However I did manage to get a copy of the police report from them. I also have other paperwork regarding that arrest as well. The money these officer's took from me. This money should have never been taken from me in the first place. There was never a drug crime committed nor any other crime for that matter. As stated before my arrest was false. I have documentation which satates that on the day of that arrest October 4, 2005 I was in a dispute over a drug transaction with an unapprehended buyer. These are false allegations.

This officer falsified his arrest report in order to get credit for what he may have thought was going to be a felony arrest. In fact if this was the case, then why was I the only one arrested on these charges? The police report clearly shows there was another individual involved in this case. Yet this individual was never arrested at all, I wonder why? I understand the police report states that this individual fled on foot. Question is can you people really believe that?

I have been harassed several times and arrested twice by this very same task force Brooklyn, North Narcotic that is. The arresting officer's in both arrest, they both work together as a team along with sgt. Martinez and a few other officer's. The main three officer's I am speaking about here are as follow. (1) P.O. Wolfron, (2) Det. Rahman and (3) Sgt. Martinez.

The case for which I have been convicted of and is now serving time DOCKET: # 2005KN068765 ARREST: # K05681931. On 10/22/05 at approximately 2055hrs there was an undercover who was working in a ghosting capacity. See INVESTIGATIVE NARCOTIC SALES REPORT. According to this report, this undercover supposably witness me make an alleged sale to his partner. A short time later myself and mr. Broderick were in custody, see COMPLAINT ROOM SCREENING SHEET and also GRAND JURY SYNOPSIS SHEET as well.

In these two reports it states I was involved in yet another drug transaction with another individual by the name of Ricard Mess. A page out of P.O. MEMO BOOK clearly shows (3) people being under arrest at 2045 for C.S.C.S. Now the question I may ask here is. If I was already under arrest for making and alleged sale to Mr. Mess, at 2045, how then was I able to make this other sale to this undercover at 8:55? According to the ghost written report he claims he saw me make this sale at 8:55. This could never be so first of all, I was under the watchful eye's of the Brooklyn, North drug task force. It is impossible for me to be in two places at the same time. This report clearly shows I was already under arrest with Mr. BRODERICK as well as RICARDO MESS. See FELONY NARCOTICS POSSESSION FACT SHEET. This report will clearly show that Mr. MESS was involved in a CRIME. There was money recovered from him as well as drugs. See PROPERTY CLERK'S INVOICE and also copy of BUY MONEY as well. I also have a PRISONER PROPERTY RECEIPT with my name on it which shows \$15.00 was taken from me. I also have another document which shows \$30.00 that was recovered in this arrest see BUY & BUST report. Supposably all this took place from an alleged \$10.00 SALE I was suppose to have made to an undercover. But the money does not add up not even with the SALE to RICARDO MESS. Even if I did make these alleged sales and the arresting officer did in fact recover this \$15.00 in mark money from me along with another \$5.00 from Mr. Mess that is still only \$20.00 not \$25.00, \$30.00 or \$35.00 as stated amongst the paperwork I have here. This arrest is based on nothing more then a bunch of lies, deceit and false allegations. If I may add I was never arraigned, indicted or even charge with making this sale to Mr. Mess. Yet it involves me in yet another drug transaction with these very same officer's.

Due to the fact alot of time has gone by since these incidents has taken place. I am no sure as to whether or not it is to late for your unit to do an investigation regarding these matters or not. However on the other hand, if it is not. I would strongly suggest your unit look into and do an investigation into the activities of the officer's that were involved here not only in the first arrest but also the second arrest as well.

I would also like to get the money back that was taken from me as well. That money should have never been taken from me in the first place. The charges was bogus to begin with.

The letter's and all other documents I have enclosed here will prove a pattern of false arrest as well as harassment which I have encountered with these officer's. Strange or coincident, I don't know, you people be the judge.

Respectfully Your's

Ruben James